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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,307	05/11/2001	Solomon Friedman	204,896	7818

7590 12/21/2004

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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

09/854,307

FRIEDMAN, SOLOMON

Examiner

Art Unit

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09232004</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Flaherty(6,275,824).
3. As per claim 1, O'Flaherty et al. discloses a system for conducting a transaction with privacy on a wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said system including: a personal access device (PAD) associated with a subscriber to said system(col. 5, lines 1-13), said PAD storing a profile of the subscriber and generating commands(see col. 5, lines 1-9, 13-22); a privacy service provider (PSP)(i.e. privacy proxy) connected to the wide area network(see col. 14, lines 9-30), said PAD being accessible by said PSP under first conditions set by said profile and said PSP being responsive to the commands from said PAD(see col. 14, lines 9-30); a registered vendor (RV) connected to the wide area network(see col. 14, lines 8-12); and a privacy shield network (PSN) connected to the wide area network(see col. 14, lines 8-30), said RV being registered with said PSN and said PSN being structured to carry communications between said PSP and said RV related to the transaction under second conditions set by said profile(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).
4. As per claim 2, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to said RV only under said first and second conditions(see col. 5, lines 1-38).

5. As per claim 3, O'Flaherty discloses wherein the PSP also stores the profile and the private data(see col. 5, lines 1-6, 17-38).
6. As per claim 4, O'Flaherty discloses wherein said PSP controls access by the RV to the PAD under the first and second conditions(col. 14, lines 8-30).
7. As per claim 5, O'Flaherty discloses wherein said PSP includes a network server(see col. 14, lines 10-13).
8. As per claim 6, O'Flaherty discloses wherein said RV includes a network server(see col. 14, lines 11-12).
9. As per claim 7, O'Flaherty discloses wherein said PSN includes a network server(see col. 5, lines 30-38).
10. As per claim 8, O'Flaherty discloses wherein said PSP controls access by said RV to said profile under said second conditions(see col. 14, lines 8-30).
11. As per claim 9, O'Flaherty discloses a second registered vendor (RV) connected to the wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said PSP being accessible by said second RV under third conditions set by said profile(see col. 14, lines 8-30), said second RV being accessible by the first mentioned RV under fourth conditions set by said second RV and said first RV being accessible by said second RV under fifth conditions set by said first RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).
12. As per claim 10, O'Flaherty et al. discloses wherein said second conditions include authorization conditions for authorizing the transaction among said PAD, said first RV and said second RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).

13. As per claim 11, O'Flaherty discloses wherein said authorization conditions include a first authorization for authorizing the second RV to complete an intermediate transaction with said first RV(see col. 13, lines 25-60).
14. As per claim 12, O'Flaherty discloses wherein said first authorization is sent from said PSP to said second RV over said PSN, said PSN preventing said first RV from access to first authorization(see col. 14, lines 45-65).
15. As per claim 13, O'Flaherty discloses wherein said second conditions include authorization conditions for authorizing the transaction between said PAD and said RV(see col. 5, lines 17-22, 30-44, col. 14, lines 8-30).
16. As per claim 14, O'Flaherty discloses wherein said authorization conditions control whether said first RV is authorized to request a response from said PAD(see col. 14, lines 8-30).
17. As per claim 15, O'Flaherty discloses wherein the wide area network is the Internet(see col. 14, lines 21-23).
18. As per claim 16, O'Flaherty discloses a personal access device (PAD) associated with a subscriber for conducting a transaction with privacy on a wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), said PAD including: a memory for storing a profile of the subscriber; a manually actuable command generator for generating commands(see col. 5, lines 1-9, 13-22); a transmitter for transmitting the commands to a privacy service provider (PSP) connected to the wide area network(see col. 14, lines 9-30); and a receiver for receiving authorized requests from the PSP, the PSP communicating with said PAD under first conditions set by said profile(see col. 5, lines 1-38), each authorized request having been received by said PSP over a privacy shield

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network (PSN) connected to the wide area network from a registered vendor (RV) or another privacy service provider, the RV being registered on the PSN and communicating with the PSP under second conditions set by said profile(see col. 5, lines 1-38).

19. As per claim 17, O'Flaherty discloses wherein the PSP receives first requests over the PSN and determines which ones of the first requests are authorized requests under said first conditions set by said profile(see col. 5, lines 1-38).

20. As per claim 18, O'Flaherty discloses wherein if the PSP determines that one of the first requests is not an authorized request, the PSP selectively responds to this first request over the PSN under second conditions set by said profile(see col. 14, lines 8-30).

21. As per claim 19, O'Flaherty discloses wherein said PAD is in the form of a card(see col. 5, lines 1-16, col. 14, lines 25-30).

22. As per claim 20, O'Flaherty discloses wherein said PAD stores private data associated with the subscriber, and wherein the PSP releases any of said private data to the RV only under said first and second conditions (see col. 5, lines 1-38).

23. As per claim 21, O'Flaherty discloses wherein the PSP also stores said profile and said private data(see col. 5, lines 1-6, 17-38).

24. As per claim 22, O'Flaherty discloses a privacy service provider (PSP) for facilitating communications between a privacy shield network (PSN) and a personal access device (PAD) associated with a subscriber to the PSN(see col. 14, lines 9-30), where the PAD stores a profile of the subscriber and where said PSP and the PSN are connected to a wide area network(see col. 5, lines 1-9, 13-22), said PSP including: a receiver for receiving commands from the PAD; a server for communicating with a registered vendor (RV) over the PSN under first conditions set

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by said profile and in accordance with commands received from the PAD, said server also for receiving first requests from the RV and for determining which ones of the first requests are authorized requests under second conditions set by said profile; and a transmitter for transmitting the authorized requests to the PAD.

25. As per claim 23, O'Flaherty discloses wherein said server is for communicating with a plurality of RVs over the PSN in the same way as with the first-mentioned RV(see col. 14, lines 8-30).

26. As per claim 24, O'Flaherty discloses wherein the PAD stores private data associated with the subscriber, and wherein said PSP releases any of said private data to the RV only under said first and second conditions(see col. 5, lines 1-38).

27. As per claim 25, O'Flaherty discloses wherein said PSP also stores said profile and said private data(see col. 5, lines 1-6, 17-38).

28. As per claim 26, O'Flaherty discloses a privacy shield network (PSN) connected to a wide area network(see col. 5, lines 1-9, 13-22), said PSN controlling communications among a plurality of privacy service providers (PSPs) and a plurality of registered vendors (RVs), where each PSP is controlled by commands from a respective personal access device (PAD) associated with a respective subscriber to said PSN and is further controlled under conditions set by a profile associated with the respective subscriber stored in the respective PAD(see col. 5, lines 1-38, col. 14, lines 8-30), said PSN comprising: a first server structure for controlling registration of vendors as RVs, where said PSN prevents transfer of communications from unregistered vendors to any of the PSPs and RVs(see col. 14, lines 8-12); and a second server structure for controlling communications using the wide area network from any of the PSPs and RVs to any

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of the PSPs and RVs, wherein said second server structure controls any communication between a first one of the PSPs and any other one of the PSPs and RVs under conditions set by the profile stored in the PAD controlled by the first PSP(see col. 14, lines 45-65, col. 15, lines 1-15).

29. As per claim 27, O'Flaherty discloses wherein said second server structure controls routing of communications from any of the PSPs and RVs to any of the PSPs and RVs over the wide area network(see col. 13, lines 34-60, col. 14, lines 8-30).

30. As per claim 28, O'Flaherty discloses wherein each PAD stores private data associated with the respective subscriber, and wherein the associated PSP releases any of said private data to any of the PSPs and RVs only under said first and second conditions(see col. 5, lines 1-38).

31. As per claim 29, O'Flaherty discloses wherein at least one of the PSPs also stores said profile and said private data of the respective subscriber(see col. 5, lines 1-6, 17-38).

32. As per claim 30, O'Flaherty discloses a method of conducting a transaction with privacy using a privacy shield network (PSN) connected to a wide area network(see col. 5, lines 1-9, 13-22), the method including the steps of, storing a profile of a subscriber to the PSN in a personal access device (PAD) associated with the subscriber(see col. 5, lines 1-38); generating commands using the PAD; accessing the PAD under first conditions set by the profile using a privacy service provider (PSP) connected to the wide area network(see col. 4, lines 61-67, col. 5, lines 13-16), the PSP being controlled by the commands from the PAD(see col. 14, lines 9-30); registering a vendor with the PSN as a registered vendor (RV) connected to the wide area network(see col. 14, lines 8-30); and carrying communications between the PSP and the RV related to the transaction under second conditions set by the profile using the PSN(see col. 5, lines 1-38).



33. As per claim 31, it is rejected under the same basis as claim 1.
34. As per claim 32, O'Flaherty discloses a method of using a privacy shield network (PSN) connected to a wide area network to control communications among a plurality of privacy service providers (PSPs) and a plurality of registered vendors (RVs)(see col. 5, lines 1-9, 13-22), where each PSP is controlled by commands from a respective personal access device (PAD) associated with a respective subscriber to the PSN and is further controlled under conditions set by a profile of the respective subscriber stored in the respective PAD(see col. 5, lines 1-38), the steps of using a first service structure for controlling registration of vendors as RVs, where the PSN prevents transfer of communications of unregistered vendors to any of the PSPs and RVs(see col. 14, lines 8-30); and using a second server structure for controlling communications using the wide area network from any of the PSPs and RVs to any of the PSPs and RVs, wherein the second server structure controls any communication between a first one of the PSPs and any other one of the PSPs and RVs under conditions set by the profile(see col. 5, lines 1-38, col. 14, lines 8-30).
35. As per claim 33, O'Flaherty discloses system for a plurality of individual subscribers to receive and transmit communications via the Internet, the system comprising: an XML privacy service provider (PSP) linked to the Internet(see col. 4, lines 61-67, col. 5, lines 1-16).
36. As per claim 34, O'Flaherty discloses wherein each PAD comprises: a CPU, an operating system and a memory device; a battery; a wireless RF communication chip; an input/output interface; and an encryption key embedded in removable ROM(see col. 4, lines 61-67, col. 5, lines 1-16, col. 6, lines 50-67, col. 10, lines 49-64).

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37. As per claim 35, limitations have already been addressed see claims 1 and 32. Also, as per claim 35, O'Flaherty discloses PAD comprising: at least one programmable integrated circuit (IC) device that includes encrypted identification means(see col. 4, lines 61-67, col. 5, lines 1-16); non-directional, short-range communication signal generation and receiving means; a CPU, an operating system and a memory device; and an input/output interface(see col. 13, lines 34-60).
38. As per claim 36, O'Flaherty discloses wherein said IC device is removable from said PAD(see col. 4, lines 61-67, col. 5, lines 1-16).
39. As per claim 37, O'Flaherty discloses wherein the encrypted identification means is a unique digital code embedded in ROM(see col. 10, lines 49-57).
40. As per claim 38, O'Flaherty discloses wherein said IC device is preprogrammed to disable the identification means in the event that security of the unique digital code is breached(see col. 4, lines 61-67, col. 5, lines 1-16, col. 10, lines 49-63).
41. As per claim 39, O'Flaherty discloses a housing, an electronic display visible through an aperture in said housing and at least one manual actuator for controlling functions of said PAD(see col. 13, lines 34-60).
42. As per claim 40, O'Flaherty discloses a microphone having an on/off switch and a voice recognition program that converts voice to digital data for storage in said memory device(see col. 4, lines 61-67, col. 13, lines 34-60).

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***Conclusion***

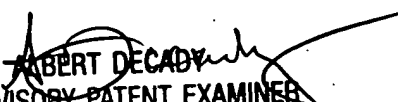
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
September 24, 2004

  
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TECHNOLOGY CENTER 2100